FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

FIRST APPEAL NO. 101 OF 2004

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

R.S.Datar for the appellant.

CORAM: V.C.DAGA & R.S.MOHITE, JJ.

DATED: 28th September, 2004.

P.C.:

. The appellant has not complied with the order of this Court dated 29th July, 2004. He did not move for modification of the said order. At the same time he did not deposit even part of the amount to show his bonafide.

. Appellant is owner of two storied building having 19 rooms. 5 rooms are in his possession, out of which, 2 rooms are directed to be given to the respondent wife. Mr.Datar, learned counsel for the appellant made a statement that so far as other rooms are concerned, some of the tenants have already vacated their accommodation and remaining tenants are in arrears of of rent. However, no steps

appear to have been taken either to recover arrears of rent and/or to see that the available vacant rooms are put to profitable use.

. Mr.Datar submits that notice dated 18th June, 2004 has been issued by the Thane Municipal Corporation directing appellant to effect repairs to the building as such appellant is not in a position to comply with the order dated 29th July, 2004. In our view, reliance placed on the notice of the Corporation is misconceived. Non-compliance of order appears to be wilful and deliberate.

. In this view of the matter, appeal is dismissed for non-compliance of order of this Court with costs quantified in the sum of Rs.3,000/- for being paid to the respondent.

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